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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the United Nations High Commissioner for Human Rights on the rights of indigenous peoples

Summary

The present report is submitted pursuant to Human Rights Council resolution 27/13. It contains information on relevant developments relating to human rights bodies and mechanisms and outlines the activities undertaken by the Office of the United Nations High Commissioner for Human Rights at Headquarters and in the field that contribute to the promotion and full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples, and follow-up on the effectiveness of the Declaration. The report covers the period from May 2014 to May 2015.

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I. Introduction

1. In its resolution 27/13 on human rights and indigenous peoples, the Human Rights Council requested the United Nations High Commissioner for Human Rights to continue to submit to it an annual report on the rights of indigenous peoples containing information on relevant developments in human rights bodies and mechanisms. It also requested the High Commissioner to report on activities undertaken by the Office of the United Nations High Commissioner for Human Rights (OHCHR) at Headquarters and in the field that contribute to the promotion of, respect for and full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples.

2. Rather than providing an exhaustive overview of the work of OHCHR on the rights of indigenous peoples, the present report focuses on some illustrative examples of OHCHR activities and initiatives undertaken at Headquarters and by field offices that contribute to the full application of the rights of indigenous peoples. It also outlines recent developments within United Nations human rights mechanisms as far as their work pertains to indigenous peoples.

II. Activities of the Office of the United Nations High Commissioner for Human Rights

3. During the period under review, OHCHR continued to work in a wide range of contexts for the promotion and full application of the Declaration. The rights of indigenous peoples have continued to be a priority topic for the High Commissioner, and indigenous issues figure prominently in the OHCHR Management Plan, 2014–2017,[1] including in connection with the key thematic priorities of enhancing equality and combating discrimination.

A. World Conference on Indigenous Peoples and its outcome document

4. In the lead-up to the World Conference on Indigenous Peoples, held on 22 and 23 September 2014, the High Commissioner consistently stressed the importance of the full and effective participation of indigenous peoples. The World Conference was among the first meetings attended by the High Commissioner upon assuming office. In his opening remarks at the Conference, he emphasized the need for the United Nations to open its doors even wider for indigenous peoples and strengthen efforts to involve indigenous peoples in all international initiatives that affect them, including the post-2015 development agenda. He also called for national action plans and strategies to be developed, and underlined that such plans should be fully consistent with the principles and objectives of the Declaration. OHCHR, in its capacity as chair of the Inter-Agency Support Group on Indigenous Peoples' Issues, also drew attention to a series of papers on themes ranging from land rights to traditional knowledge prepared by the Support Group as contributions to the World Conference.

5. The regional and country offices of OHCHR participated actively in the preparations for the World Conference by drafting information notes and facilitating discussions among indigenous representatives about their contributions to the Conference. In July 2014, the

[1] Available from www2.ohchr.org/english/OHCHRreport2014_2017/OMP_Web_version/media/pdf/0_THE_WHOLE_REPORT.pdf

OHCHR office in Guatemala facilitated bilateral meetings with indigenous representatives and the Ministry of Foreign Affairs to promote indigenous peoples' participation in the preparatory activities for the World Conference. The OHCHR regional office for South America, in Chile, organized and participated in a national meeting of indigenous peoples towards the World Conference, within the framework of an inter-agency project with indigenous leaders. The meeting aimed at promoting the participation of indigenous leaders in the World Conference and in the drafting of the outcome document.[2]

6. In the lead-up to the World Conference, indigenous representatives focused on the need to introduce more inclusive United Nations processes and to accord indigenous representative structures a status that would facilitate their effective participation. As such, the outcome document includes a request for the Secretary-General to submit specific recommendations on how to enable participation of indigenous peoples at the United Nations, through the Economic and Social Council, to the General Assembly at its seventieth session.

7. Following the World Conference, the OHCHR office in the Plurinational State of Bolivia coordinated and initiated dialogues with various United Nations agencies to provide technical assistance in the design of actions, adaptation and implementation of commitments contained in the outcome document.

8. OHCHR continued to play an active role in various inter-agency initiatives, as it chaired the Support Group during the reporting period. The Support Group had engaged actively in the World Conference then supported follow-up to its outcome document, in which the Support Group's important role in ensuring coordinated and coherent United Nations action in relation to indigenous peoples was recognized.

9. Supporting such follow-up was the main focus of the annual meeting of the Support Group, hosted by OHCHR in Geneva on 1 and 2 December 2014. The meeting brought together focal points for indigenous peoples' issues from 17 agencies and benefitted from the active participation of the Special Rapporteur on the rights of indigenous peoples, the Chair of the Permanent Forum on Indigenous Issues and the focal point of the Permanent Forum for the Support Group.

10. At the meeting, the Support Group began preparation of a system-wide action plan, to be developed in consultation and cooperation with indigenous peoples and Member States. The Support Group discussed lessons that could be drawn from other United Nations system-wide action plans, including those on youth and gender, and highlighted key considerations, such as the need to root the action plan in the Declaration, the importance of engaging United Nations regional and country presences and the relevance of the post-2015 development agenda. A small informal working group was set up to further advance work on the action plan in cooperation with indigenous and Member State partners.

11. The Support Group also took stock of various initiatives concerning the development and use of indicators related to indigenous peoples and is now working to build support for operationalizing agreed indicators, including with a view to their application in connection with the post-2015 development agenda. In addition, the Support Group examined how to encourage national human rights institutions to advance indigenous peoples' rights at the national and international levels, in line with the outcome document of the World Conference.

[2] General Assembly resolution 69/2.

12. OHCHR also played an active role in raising the profile of indigenous peoples in the context of the Human Rights Council, including through its support of the Expert Mechanism on the Rights of Indigenous Peoples, for example, by reviewing the mandate by the Human Rights Council. During the twenty-ninth session of the Human Rights Council, in September 2014, OHCHR organized a panel discussion on indigenous peoples' issues devoted to prevention and protection of indigenous peoples' in disaster risk reduction and prevention and preparedness initiatives.

B. United Nations Indigenous Peoples' Partnership initiative

13. The United Nations Indigenous Peoples Partnership initiative, a joint initiative between OHCHR, the International Labour Organization (ILO), the United Nations Children's Fund (UNICEF), the United Nations Population Fund and the United Nations Development Programme (UNDP) completed activities under its four-year strategic framework for 2011–2014. Implementation of the Partnership started in 2012 with six United Nations joint programmes in the Plurinational State of Bolivia, Cameroon, the Central African Republic, Nicaragua and the Congo, as well as through a regional programme in South-East Asia. The programmes were built upon the Declaration, ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) and other key standards, and reflected the findings of the Special Rapporteur, treaty bodies and other human rights mechanisms.

14. During the course of the Partnership's activities, through its six joint country programmes and one regional project, over 100 partners were brought together and more than 5,500 government officials, indigenous peoples and other key stakeholders were reached through capacity-building and training initiatives in Asia, Africa and Latin America. Approximately 40 thematic studies and publications were produced, including on issues related to maternal health, reproductive rights, HIV/AIDS and conditions in the forestry sector. The Partnership's initiatives to support legal and policy reform and access to justice have contributed to the development of national decrees and reviews of national and municipal laws to ensure the recognition and inclusion of indigenous peoples' rights in local and national legal systems.

15. The Board of the Partnership is currently discussing how to align its next phase with the system-wide action plan mandated by the outcome document of the World Conference on Indigenous Peoples.

16. In September 2014, the OHCHR regional office for South America in Santiago prepared a joint proposal with United Nations agencies in Chile for submission to the Partnership on the topic of the right to consultation of indigenous youth and children.

C. Capacity-building and participation of indigenous peoples in United Nations processes

17. In 2014, the OHCHR Indigenous Peoples and Minorities Section carried out a number of training and briefing sessions for key stakeholders that included United Nations country teams, OHCHR staff, members of human rights treaty bodies, indigenous peoples' organizations, government officials, parliamentarians and staff of national human rights institutions, in an effort to promote the full application of the Declaration.

18. During the reporting period, OHCHR continued to build the capacity and expertise of representatives of indigenous peoples through its annual training programme on international human rights instruments and mechanisms. A total of 31 indigenous people, including 18 women, originating from Algeria, Australia, Bangladesh, the Plurinational

State of Bolivia, Brazil, Burundi, Cambodia, Colombia, Ecuador, Guatemala, Libya, Malaysia, Mexico, Morocco, Myanmar, New Zealand, Papua New Guinea, the Russian Federation, Rwanda and the United Republic of Tanzania participated in the 2014 indigenous fellowship that took place in Geneva from 16 June to 25 July. These fellows attended theoretical and practical training sessions on how to use international human rights instruments and mechanisms to more effectively advocate for and promote the rights of their respective communities at the international level. In addition, four indigenous fellows who had participated in the training in Geneva were given the opportunity to enhance their knowledge and experience by taking part in national or regional fellowships with OHCHR country offices in the Russian Federation, Guatemala, Mexico and Cameroon. Their active involvement in and input to the activities of OHCHR were much appreciated, as was their first-hand knowledge of indigenous issues, which was an asset for the work of OHCHR on indigenous peoples' issues. In order to give indigenous people the opportunity to learn through direct and practical engagement in the activities of OHCHR, the Indigenous Peoples and Minorities Section continues to organize a Senior Indigenous Fellowship over a period of four months to provide on-the-job training.

19. In addition to Headquarters, OHCHR regional and country offices have also run capacity-building programmes for indigenous peoples. For example, the human rights adviser in Bangladesh served as a resource for the regional training programme of the Asia-Pacific Forum of National Human Rights Institutions on indigenous peoples' rights in Bangladesh, together with the Bangladesh Human Rights Commission.

20. The OHCHR country office in the Plurinational State of Bolivia conducted training activities for numerous indigenous peoples' organizations that focused on collective rights and the use of national and international protection mechanisms, and sought to develop their understanding of the right to consultation. In coordination with the indigenous university of "Apiaguaiki Tupa", the office developed the first version of a course entitled "Rights of indigenous peoples in the universal human rights system and introduction to cultural expertise". A second version of the course is currently being taught to a new group of leaders representing indigenous peoples form the East, Chaco and Amazon regions.

21. The office in the Plurinational State of Bolivia also organized a joint workshop in coordination with ILO and the departmental assembly of the Guarani people to inform indigenous peoples about international and regional human rights mechanisms and to train them to write communications to these mechanisms.

22. The OHCHR country office in Colombia held a workshop on the basic concepts of economic, social and cultural rights with an emphasis on the rights of indigenous peoples and Afro-Colombian communities. In June 2014, the OHCHR regional office for Central America in Panama organized training for indigenous youth organizations on the use of human rights mechanisms, with a view to developing their capacity to submit reports to the special procedures of the Human Rights Council and the second cycle of the universal periodic review.

23. Through the Maya Programme, the office in Guatemala developed several training courses specifically on the administration of justice, lands and territory and the right to consultation. The target audience for the courses included the Public Prosecutor's Office, the Institute of Public Defence, the Supreme Court and the Constitutional Court. The Office also supported the Attorney General's Office in developing a diagnosis tool on access to justice for indigenous peoples. As a result, the Indigenous Peoples Unit in the Attorney General's Office developed an action plan that provided for internal policy reforms and specialized training for interpreters, and designed an institutional policy focusing on victims.

24. The office in Mexico also provided training courses on rights of indigenous peoples to federal authorities and advised representatives of indigenous communities in relation to specific cases.

25. The regional office in the Pacific distributed copies of the Declaration to the Pacific Islands Association of Non-governmental Organizations to raise awareness on the rights of indigenous peoples in the region. The Association is a regional network of non-governmental organization focal points based in 22 Pacific island countries and territories.

26. The United Nations Voluntary Fund for Indigenous Populations, managed by OHCHR and assisted by a board of trustees, continued to support the participation of indigenous peoples' organizations in the sessions of the Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples, the Human Rights Council, including its universal periodic review mechanism, and the treaty bodies.

27. In addition to encouraging the participation of indigenous people's representatives in the World Conference on Indigenous Peoples and the integration of human rights standards in its outcome document, OHCHR, through the Voluntary Fund, supported indigenous peoples' participation in the Conference and its related preparatory process. The Fund supported the participation of 21 indigenous representatives in the preparatory meetings and the participation of 84 indigenous representatives in the Conference.

28. In 2014, 66 grants were allocated to enable the participation of representatives of indigenous peoples' organizations and communities, including 25 for the thirteenth session of the Permanent Forum on Indigenous Issues; 20 for the seventh session of the Expert Mechanism on the Rights of Indigenous Peoples; 4 for sessions of the Human Rights Council; 2 for sessions of the Working Group on the Universal Periodic Review; 5 for sessions of the Human Rights Committee; 1 for the sessions of the Committee on the Elimination of Discrimination against Women; 5 for the sessions of the Committee on the Elimination of Racial Discrimination; 1 for the sessions of the Committee on the Rights of the Child; 1 for the sessions of the Committee on Economic, Social and Cultural Rights; and 2 for the sessions of the Committee on the Rights of Persons with Disabilities.

29. The Board of Trustees has selected 86 representatives of indigenous communities and organizations to attend various sessions, including 32 for the 2015 sessions of the Permanent Forum on Indigenous Issues; 32 for the sessions of the Expert Mechanism on the Rights of Indigenous Peoples; 6 for the sessions of the Human Rights Council; 4 for the sessions of the Working Group on the Universal Periodic Review; 2 for the sessions of the Human Rights Committee; 1 for the sessions of the Committee on the Elimination of Discrimination against Women; 2 for the sessions of the Committee on the Elimination of Racial Discrimination; 2 for the sessions of the Committee on the Rights of the Child; 3 for the sessions of the Committee on Economic Social and Cultural Rights; 1 for the sessions of the Committee against Torture, and 1 for the sessions of the Committee on the Rights of Persons with Disabilities. Furthermore, the Board has set aside funds to enable representatives of indigenous communities and organizations to attend the sessions of the Human Rights Council, human rights treaty bodies and the universal periodic review to be held between September 2015 and March 2016. The selection will be made at the intersessional meetings to be held in August and November 2015.

30. The Fund also continues to employ resources to increase the capacity of indigenous peoples to effectively participate in United Nations meetings. For example, in 2014, the Fund organized four human rights training sessions in Geneva and New York. Moreover, in cooperation with non-governmental organization partners, the Fund provided assistance to indigenous peoples' representatives in targeting their advocacy, tailoring interventions to specific sessions and contributing to the implementation of recommendations by human rights mechanisms and the implementation of the Declaration at the national level.

D. Guidance tools

31. OHCHR continued to support parliamentarians in fulfilling their role in protecting the rights of indigenous peoples. A handbook for parliamentarians,[3] jointly authored with UNDP, the International Fund for Agricultural Development, the Inter-Parliamentary Union and the secretariat of the Permanent Forum on Indigenous Issues, was officially released in the margins of the World Conference on Indigenous Peoples in September 2014.

32. Through wide-ranging consultations, OHCHR and the Asia Pacific Forum of National Human Rights Institutions completed a manual[4] in 2013. The publication was translated into Russian, French and Spanish, and subsequently launched in June 2014 by the Indigenous Peoples and Minorities Section, and the OHCHR regional office for South Africa. National human rights institutions from Angola, Kenya, Namibia, South Africa, the United Republic of Tanzania, Uganda and Zimbabwe participated in the training, which increased their understanding about operationalizing the Declaration at the country level. A meeting was organized in Krasnoyarsk, Russian Federation, in October 2014 to discuss the role of national human rights institutions in the follow-up process to the outcome document of the World Conference on Indigenous Peoples.

33. The OHCHR country office in the Plurinational State of Bolivia published a compendium of international norms relating to the protection of the rights of indigenous peoples, an informative brochure on the right to free, prior and informed consultation and three studies on decision-making systems of indigenous peoples and nations (on the Captaincy of the High Parapeti, the Organization of the Mosetén Indigenous Peoples, and the Jacha'a Karangas Nation).

34. The OHCHR country office in Colombia published an updated versions of its publications on the right to consultation and prior, free and informed consent.

E. OHCHR support for the rights of indigenous peoples at the country and regional levels

35. OHCHR field offices carried out a range of activities on indigenous peoples' rights at the regional and country levels, including providing support to special procedures mandate holders. The present section describes select projects clustered under interrelated areas. For example, the absence of consultation or exclusion from development or mining projects may lead to forms of violence.

1. Right to participation, consultation and free, prior and informed consent

36. In the Plurinational State of Bolivia, the office provided technical assistance during the drafting of a Law on Consultation, including through two legal opinions that set out the international human rights framework. In May 2014, the President submitted a bill to Parliament on prior, free and informed consultation The office is of the view that its prompt

[3] Inter-Parliamentary Union, *United Nations Handbook for Parliamentarians: Implementing the United Nations Declaration on the Rights of Indigenous Peoples* (Geneva, 2014). Available from www.undp.org/content/undp/en/home/librarypage/democratic-governance/human_rights/Indigenous-Peoples-Parliamentarians-Handbook.html.

[4] Asia Pacific Forum of National Human Rights Institutions and Office of the United Nations High Commissioner for Human Rights, *The United Nations Declaration on the Rights of Indigenous Peoples: A Manual for National Human Rights Institutions* (Sydney, Australia, and Geneva, 2013). Available from http://www.ohchr.org/Documents/Issues/IPeoples/UNDRIPManualForNHRIs.pdf.

adoption would significantly contribute to enhancing respect for the collective rights of indigenous peoples.

37. The the Plurinational State of Bolivia office also prepared a legal opinion aimed at guaranteeing consultation processes on mining projects' respect for international standards. It helped to ensure that costs relating to the consultation process in developing the bill were covered by the State. The Mining and Metallurgy Law 535 of May 2014 recognizes the right of indigenous peoples to share the benefits from the exploitation of resources on their lands, and the application of the collective right to prior, free and informed consultation. However, the scope of the Law extends only to new mining contracts and is limited to the exploitation phase; it does not mandate consultation and consent during the prospecting and exploration phases. OHCHR is of the opinion that regulations under the Act that affect the interests of indigenous peoples should be drawn up in consultation with indigenous peoples' organizations.

38. To promote respect for the right to consultation, the Plurinational State of Bolivia office also promoted the inclusion of human rights issues at an international conference on oil and gas and conducted several meetings with relevant ministries.

39. In the context of Colombia, OHCHR continues to advocate for space for social dialogue on public policy issues of participation, consultation and representation of indigenous communities. It continues work with rights holders to strengthen their organizations and the design of protocols in dealing with authorities, as well as business enterprises.

40. The office in Guatemala monitored various social protests of indigenous peoples as high-level dialogues with authorities were not effective. The office also provided assistance to the Ixil Mayan communities of San Juan Cotzal, who claimed that the State had not respected its duty to consult with indigenous peoples. In April 2015, a court ruling was made in favour of the claims made by the communities in this case.

41. In Mexico, the office documented and monitored consultation processes and was in contact with different stakeholders, including federal, state and municipal authorities and civil society organizations. The office opened communication channels between indigenous peoples and the authorities responsible for the development of consultation processes in line with international standards. In addition, it submitted information on standards on the rights of indigenous peoples, more specifically the recognition of customs and traditions and traditional legal systems, to the judiciary in relation to a case of an alleged arbitrary arrest of an indigenous leader.

42. In the context of the World Conference on Indigenous Peoples, the regional office for Central America organized two workshops to facilitate a more inclusive dialogue between indigenous peoples and the Government of Costa Rica, during which the World Conference outcome document was disseminated. As a result, indigenous peoples and government authorities agreed on the need to relaunch a dialogue with special attention to land tenure. The regional office, along with the United Nations Resident Coordinator, ILO and the national human rights institution, are seeking to expand the dialogue to cover other urgent issues that indigenous peoples face.

43. In Panama, the indigenous round-table, established by OHCHR and the Office of the Resident Coordinator to advance the ratification of the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the adoption of the law for a national development plan for indigenous peoples, continued its work. The regional representative and Resident Coordinator facilitated the dialogue between indigenous peoples opposed to the construction of the Barro Blanco hydroelectric dam and the high-level government commission appointed by the President and led by the Vice President and Minister for Foreign Affairs.

44. Likewise, the OHCHR regional office for South America in Santiago, along with other United Nations agencies in Chile, raised the need for inclusive government consultations with indigenous peoples, emphasizing the need to ensure the participation of indigenous women and children.

45. In the context of Nepal, OHCHR organized two stakeholder engagement meetings at the district level in cooperation with the Office of the Resident Coordinator to enhance dialogue between Constituent Assembly members, civil society actors and indigenous peoples' representatives on promoting the rights of indigenous peoples in the country. Participation in decision-making processes were stressed as critical in preventing conflict and promoting dialogue.

2. Recognition, autonomous governance, economic, social and cultural rights

46. In Colombia, the office attended meetings of the inter-administrative working group, which constitutes a forum for the departmental government of the Amazon, associations of indigenous traditional authorities and environmental entities to pursue an intercultural dialogue and for indigenous peoples to articulate their demands in relation to their education and health systems, territory and government. With a view to illustrating difficulties in implementing the Victims and Land Restitution Law and sharing relevant expertise, three meetings were held with concerned institutions. The office in Colombia is also seeking to enhance coordination between the indigenous and the national health systems. It follows up on relevant cases, such as the death of indigenous children in Chocó and Río Sucio, and on lack of access to health care for indigenous peoples in the Amazon. It monitors incidents of human poisoning and territorial contamination with mercury and cyanide, as a result of gold mining. With a view to drawing attention to the critical health situation of indigenous peoples and Afro-Colombians and the extreme vulnerability of Hitnü peoples in Arauca, the representative of the office in Colombia and the ombudsman travelled to Chocó and Arauca in order to give greater visibility to the critical health situation of indigenous peoples and Afro-Colombians, as well as the extreme vulnerability of Hitnü peoples in Arauca.

47. The office in the Plurinational State of Bolivia continued to monitor the applications to the Plurinational Constitutional Court of six municipalities for autonomy statutes, four of which have been declared constitutional.

48. The office in Guatemala undertook missions to the interior of the country to assess the situation of the rights of indigenous peoples, especially in terms of agricultural labour and the exploitation of natural resources in indigenous territories in the departments of Huehuetenango, Quiché, Alta Verapaz, Chiquimula and the municipalities of San Juan Sacatepéquez and San Jóse Del Golfo. The office also provided technical assistance to the Gender and Multiculturalism Unit of the Ministry of the Environment and Natural Resources. In August 2014, the office organized several events on environmental and social impact assessments with different actors, including civil servants of the Ministry, the National Council of Protected Areas, the National Forest Institute and representatives of indigenous communities. Against that backdrop, a panel discussion on the Guiding Principles on Business and Human Rights was held. In addition, the office in Guatemala and the national human rights institution evaluated the "Zero Hunger Plan", a government strategy aimed at the eradication of chronic and acute malnutrition in the country. In the same vein, the office accompanied various actors involved in the implementation of the National Court's ruling on the violation of the right to food of five Chortí children that called for a protocol to establish the right to food at the administrative level.

49. In the context of the Democratic Republic of the Congo, the United Nations Joint Human Rights Office has assessed that Pygmy peoples have very limited access to health and education as they live in remote areas of the country.

3. Violence against indigenous peoples

50. In the Democratic Republic of the Congo, exclusion from public life, discrimination and extreme marginalization have not only led to adverse health outcomes, but also increased tensions between communities. From 16 to 19 September 2014, a joint human rights office investigation mission to Kabalo, Katanga province, learned about serious allegations of human rights violations, including killings and inhumane, cruel and degrading treatment, as well as abductions and lootings. These violations were allegedly committed by Bantu militia and *Buzolezole*-Luba militia and targeted mostly Batwa Pygmies.

51. The United Nations Joint Human Rights Office investigated another recent large-scale attack on the internally displaced persons site in Nyunzu on 30 May 2015, allegedly perpetrated by Bantu-Luba militia called *Eléments Katangais*, which resulted in numerous human rights violations, namely, 44 killings, 8 rapes and 57 cases of abduction. The victims were mainly of Batwa Pygmy ethnicity.

52. The United Nations Joint Human Rights Office also monitored the arrest of a Batwa Pygmy non-governmental organization activist who had been accused of incitement to hatred. The trial at the Tribunal of Grand Instance led to his release. In another emblematic case, on 19 May 2015, the United Nations Joint Human Rights Office and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo placed under protection and later relocated a Batwa activist from Nyunzu to a safe place. Allegedly, elements of the Luba militia had threatened him for opposing the Luba leadership, burned his house and forced his family into hiding.

53. In the Plurinational State of Bolivia, the office expressed concern about the lack of police protection for Yampara and Qhara Qhara indigenous leaders during a vigil in June 2014, when they were subjected to physical violence and discriminatory language and behaviour. Symbols of indigenous authorities were also destroyed by peasants from the area. Acts of violence between a group of leaders belonging to the National Council of Ayllus and Markas of Qullasuyu were also highlighted.

54. The office in Colombia continued field monitoring activities in the Amazon, Cauca, Chocó, Nariño, Caribbean Coast and Putumayo, where armed actors had committed abuses, including killings of leaders. Situations where legal and illegal mining had led to violence also were of concern, for example, in La Toma, where abuses had been committed against representatives of a women's organization, including sexual violence, by illegal miners in their territory. The organization has asked OHCHR for accompaniment as they are threatened and in need of protection.

55. The office in Guatemala held a dialogue with indigenous authorities of Totonicapán, Sololá, Chichicastenango, Nebaj and Quiché to assess the situation of the rights of indigenous peoples. As a follow-up to the dialogue, the office undertook observation missions to identify best practices for the prevention of violence in indigenous communities. The office in Guatemala also maintained regular meetings with the conflict analysis unit of the national human rights institution in order to exchange information on a set of six priority conflicts and to build a common strategy, including on a process to remedy the human rights violations that had occurred in the 1980s due to the construction of the Chixoy Dam, and on the current conflict in the municipality of San Juan Sacatepequez due to the construction of a concrete factory of the company Cementos Progreso. The office in Guatemala and the national human rights institution were designated as "honour witnesses" in the dialogue established by the State authorities to address both conflicts.

4. Follow-up to recommendations of United Nations mechanisms and developing United Nations programmes

56. The Human Rights Adviser in Bangladesh has been promoting the use of and interaction with international human rights mechanisms by various indigenous peoples' organizations and the International Chittagong Hill Tracts Commission. He works closely with United Nations agencies, programmes and funds to ensure that the principles contained in the Declaration are integrated into ongoing and planned United Nations programmes and activities, such as the Chittagong Hill Tracts development programme and a new nation-wide United Nations programme related to indigenous peoples.

57. The office in the Plurinational State of Bolivia sought to strengthen coordination mechanisms among relevant United Nations and other actors with a view to developing a plan of action to facilitate the implementation of the Declaration. It also provided technical assistance to representatives of indigenous peoples who participated in the fourteenth session of the United Nations Permanent Forum on Indigenous Issues.

58. The office in Guatemala, with a view to prioritizing human rights, helped to develop a work plan for a donor group called the Working Group on Indigenous Peoples. In the framework of the periodic assessment of Guatemala by the Committee on the Elimination of Racial Discrimination, the office assisted with the elaboration of an internal document by the Multicultural Society and Diversity Inter-Agency Group. The document reviews the United Nations system's role in helping Guatemala to implement the International Convention on the Elimination of All Forms of Racial Discrimination.

59. In Costa Rica, the regional office for Central America emphasized the need to publish the national policy on racism and racial discrimination as part of its support to the inter-institutional committee of the Government that follows up on treaty body, special procedures and universal periodic review recommendations.

60. With a view to implementing the recommendations made to Panama in its 2010 universal periodic review, the regional office for Central America collaborated with the civil registry of Panama and UNICEF in order to support the registration at birth of indigenous children of the Mama Tata religion living in remote areas, in line with international human rights standards.

III. Human rights bodies and mechanisms

A. Expert Mechanism on the Rights of Indigenous Peoples

61. During its seventh session, in July 2014, the Expert Mechanism on the Rights of Indigenous Peoples conducted panel discussions on the post-2015 development agenda and on the role of parliaments in the implementation of the Declaration. Furthermore, the session was an opportunity to discuss final preparations for the World Conference on Indigenous Peoples, including the draft of the outcome document. The Expert Mechanism also finalized and adopted its follow-up study and advice on access to justice in the promotion and protection of the rights of indigenous peoples, as well as its study and advice on the promotion and protection of the rights of indigenous peoples in natural disaster risk reduction, prevention and preparedness initiatives. These studies, together with a number of proposals made by the Expert Mechanism, were presented to the Human Rights Council at its twenty-seventh session, in September 2014.

62. The Expert Mechanism also undertook a number of intersessional activities, including participation in the World Conference on Indigenous Peoples and the thirteenth and fourteenth sessions of the United Nations Permanent Forum on Indigenous Issues. In

February 2015, OHCHR and the University of Lapland (Finland) co-organized an expert seminar on the promotion and protection of the rights of indigenous peoples with respect to their cultural heritage. The main objective of the seminar was to obtain substantive input for a study conducted by the Expert Mechanism in response to a request made by the Human Rights Council in its resolution 27/13. The study is to be finalized at the eighth session of the Expert Mechanism, in July 2015. In March 2015, the Expert Mechanism held its first ever intersessional meeting in Winnipeg, Canada.

63. OHCHR also supported the review of the mandate of the Expert Mechanism, requested by the General Assembly in the outcome document of the World Conference, including facilitating consultations between indigenous peoples and States and supporting the Expert Mechanism members' engagement in discussions in follow-up to the World Conference.

B. Special procedures and treaty bodies

64. The Special Rapporteur carried out various activities in four interrelated areas: promoting good practices; country reports; cases of alleged human rights violations; and thematic studies. She also participated in the World Conference on Indigenous Peoples in September 2014; the nineteenth Conference of the Parties of the United Nations Framework Convention on Climate Change; as an expert witness for a case under consideration by the Inter-American Court of Human Rights concerning the Kaliña and Lokono indigenous peoples in Suriname in February 2015; an expert seminar on cultural heritage in Rovaniemi, Finland; as a panel member in a high-level panel discussion on human rights and climate change organized by the Human Rights Council; a global consultation with indigenous peoples convened by the World Bank; and a meeting with the Executive Board members, the President and senior management of the World Bank.

65. The Special Rapporteur carried out a visit to Paraguay to examine the situation of indigenous peoples. She also carried out informal working visits to Australia, Canada, Finland, Peru and the Philippines.

66. In September 2014, the Special Rapporteur submitted her first report (A/HRC/27/52) to the Human Rights Council, in which she set out the thematic priorities for her mandate and announced her intention to focus on issues related to economic, social, cultural and environmental rights of indigenous peoples. In her report to the General Assembly at its sixty-ninth session (A/69/267), the Special Rapporteur reflected on these rights in the context of the post-2015 development framework.

67. The Special Rapporteur issued public statements relating to situations that require immediate and urgent attention by the concerned Governments. These drew attention to: (a) the new framework for disaster risk reduction, including a call for the needs of indigenous persons with disabilities to be met by effective action; (b) a new oil project threatening further harm to indigenous peoples in Peru; (c) the elusiveness of justice in many parts of the world; and (d) a call on Member States to include indigenous peoples in development efforts. The Special Rapporteur, together with other mandate holders, signed a number of letters to the States parties to the Framework Convention on Climate Change, and raised concerns regarding planned amendments to the World Bank's draft environmental and social safeguards framework that would likely have an adverse effect on human rights.

68. Other special procedures also took up issues related to indigenous peoples. The Special Rapporteur in the field of cultural rights paid a visit to Botswana, where she looked at policies in the fields of culture, language, education and tourism. She met with the San people, heard their concerns and, in relation to implications of the inclusion of the

Okavango Delta in the World Heritage List of UNESCO, encouraged the Government to closely consult with indigenous peoples.

69. At the third Forum on Business and Human Rights, held in December 2014, during a session on the Guiding Principles on Business and Human Rights and United Nations human rights mechanisms, the impact of trade and investment agreements on indigenous peoples was flagged as an area where the Working Group on the issue of human rights and transnational corporations and other business enterprises could compliment the work of the Special Rapporteur on the rights of indigenous peoples. Furthermore, some sessions at the Forum focused on access to justice and reparations for indigenous peoples in the context of business operations and extractive industries.

C. Treaty bodies

70. During the reporting period, the Committee on the Elimination of Racial Discrimination expressed concern and made recommendations in relation to indigenous peoples. Under the early warning and urgent action procedure, the Committee sent a letter of concern to the Russian Federation, while under the follow-up procedure it sent follow-up letters to Canada, Mexico, New Zealand and the Russian Federation. At its eighty-fifth session, the Committee raised issues on indigenous peoples and made recommendations to Cameroon, El Salvador, Japan, Peru and the United States of America. At its eighty-sixth session, the Committee made recommendations on the rights of indigenous peoples in Bosnia and Herzegovina, Denmark, Guatemala and the Sudan. Concluding observations of the Committee during these sessions included issues such as the rights to identity, self-identification and recognition of indigenous peoples, the lack of disaggregated data and lack of socioeconomic indicators pertaining to indigenous peoples, the inadequacies in legal frameworks and the structural discrimination affecting indigenous peoples. Other observations focused on participation in political and public life, discrimination within the criminal justice system, labour market and stereotyping of indigenous peoples, as well as incidents of hate speech. The situation of indigenous peoples in voluntary isolation, free prior and informed consent and the land rights of indigenous peoples were also raised.

71. The Committee on Economic, Social and Cultural Rights highlighted the rights of indigenous peoples to recognition and self-identification, and to seek free prior and informed consent on decisions affecting them and their lands. On many occasions, the Committee made reference to the Declaration and the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) as it considered reports of El Salvador, Guatemala, Indonesia, Nepal and Paraguay. The Committee also raised questions concerning indigenous peoples and sent a list of issues to States parties, including Burundi, Canada, Chile, Finland, France, Guyana, Iraq, the Plurinational State of Bolivia, Thailand, Uganda and Viet Nam. The main questions raised by the Committee related to recognition of indigenous peoples, land rights, consultation, non-discrimination, poverty, education and cultural rights. The Committee also met with the Chair of the United Nations Permanent Forum on Indigenous Issues to discuss areas of common interest in view of the fourteenth session of the Permanent Forum, dedicated to economic, social and cultural rights.

72. The Committee against Torture considered the reports of Australia, Colombia and New Zealand. In its concluding observations, it highlighted that violence against women affected indigenous women disproportionately and urged national authorities to take additional measures to address it. The Committee also requested information from States parties concerning indigenous peoples through the list of issues prior to reporting from Canada, Gabon, Japan and Mexico.

D. Universal periodic review

73. Issues concerning indigenous peoples were frequently addressed in the context of the universal periodic review. During the reporting period, 42 countries were reviewed for the second time during the nineteenth, twentieth and twenty-first sessions of the Working Group on the Universal Periodic Review of the Human Rights Council. Recommendations relating to indigenous peoples were made to a number of countries, in particular with regard to harmonizing legislation with obligations under the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) and strengthening of the legal and institutional framework for the protection and promotion of the rights of indigenous peoples. Calls were also made, inter alia, to reinforce efforts to eliminate discrimination against indigenous peoples; guarantee birth registration of all indigenous children; ensure access to education and health services and to land and natural resources; and enhance cooperation and involvement of indigenous peoples in decision-making.

74. Examples of the above-mentioned recommendations included the adoption of a law on the autonomous development of indigenous peoples in Costa Rica; special attention to land rights of Pygmy peoples in the Democratic Republic of the Congo; efforts to eliminate discrimination against indigenous women and girls in Nicaragua; and strategies to combat discrimination against indigenous peoples and others in Norway.

IV. Conclusions

75. **The rights of indigenous peoples have remained a priority for the Office of the United Nations High Commissioner for Human Rights (OHCHR), as illustrated by its actions in the country and regional contexts and its support to mechanisms of the Human Rights Council and other intergovernmental bodies, as well as international processes.**

76. **The first ever World Conference on Indigenous Peoples, held in 2014, was a landmark event in the advancement of indigenous peoples' rights. It resulted in commitments by Member States to enhance the implementation of the United Nations Declaration on the Rights of Indigenous Peoples through national action plans and other measures in key areas ranging from violence against indigenous women to addressing the impact of major development projects on indigenous peoples. It is essential that Member States, in partnership with indigenous peoples and with support from OHCHR and other United Nations partners, ensure robust follow-up to these and other commitments contained the outcome document.**

77. **During the period under review, OHCHR further expanded its work on advancing the rights of indigenous peoples at the country level. Various capacity-building initiatives have revealed persistent obstacles to the exercise of the right to consultation across sectors in some country contexts. The absence of consultation in many instances has led to unfavourable outcomes for indigenous peoples. Even where legal frameworks contain provisions on consultation and consent, multiple challenges hinder their implementation, contrary to the provisions of the Declaration.**

78. **The work of OHCHR across the globe, assessments by the Special Rapporteur on the rights of indigenous peoples, concluding observations by the treaty bodies and recommendations of other United Nations mechanisms reveal recurring patterns of human rights concerns. Problematic areas include the recognition of indigenous peoples and their self-determination with respect to autonomous governance; the rights to lands, territories and resources; the absence of mechanisms for justice and the adjudication of claims; inadequacies in legal frameworks; the absence of**

disaggregated data that could serve as an evidence-base for policymaking; and the exclusion of indigenous peoples from decision-making on laws and policies that affect them, particularly in the sectors of development and the environment.

79. In terms of joint programmes, the United Nations Indigenous Peoples' Partnership initiative has prompted United Nations partners to come together in a strategic manner, guided by the principles set forth in the Declaration and the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169). OHCHR has worked closely with indigenous experts and relevant United Nations agencies to ensure that all Partnership country programmes are designed with indigenous peoples' participation and implemented in true partnerships between indigenous peoples and States.

80. The present report captures many achievements on the normative front at the international level and some successes at the country level. However, much remains to be done to fill the gaps in national policies and strategies and fully comply with the Declaration. OHCHR continues to work in partnership with indigenous peoples, the United Nations system and Member States to contribute to the promotion and full application of the Declaration, as well as to the follow up on its effectiveness at the national and local levels.